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HON. BENJAMIN H. SETTLE

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
Plaintiff,
UPDATED JOINT STATUS REPORT

UNITED STATES OF AMERICA,	Case No.: 3:13-CV-05122-BHS
Plaintiff,	UPDATED JOINT STATUS REPORT
\mathbf{v} .	and
PUYALLUP TRIBE OF INDIANS,	STIPULATED MOTION FOR ENTRY OF SCHEDULING ORDER
Defendant.	NOTE ON MOTION CALENDAR: September 19, 2013

The parties provide this Updated Joint Status Report to set forth their proposed procedure for submitting the case to the Court and respectfully move the Court pursuant to Local Rule 7(d)(1) and 10(g) for entry of a scheduling order implementing the parties' agreed recommendation described herein. The parties believe the approach they propose fully presents the issues and economizes both the parties' and the Court's time. The proposed process would be as follows:

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- The parties have drafted a set of Stipulated Facts that sets forth all of the information the parties need in order to present their arguments and, they believe, the information the Court will need to decide the case.
- 2. The parties intend to present cross-motions for summary judgment. The parties anticipate that the Court's ruling on the cross-motions will fully resolve the case. The cross-motions would be submitted on the following schedule:
- 3. On October 25, 2013, the parties will simultaneously file their respective Motions for Summary Judgment, one by the United States, one by the Tribe. The parties anticipate that these motions will address and present to the Court the ultimate issue(s) that must be decided in order to resolve this case. The page limit for each party's Motion would be 24 pages as provided by Local Rule 7(e)(3).
- 4. On November 15, 2013, the parties will simultaneously file their Responses to the Motions for Summary Judgment, one by the United States, one by the Tribe. The page limit for each party's Response would be 18 pages. Since the Motion and Response would be the only two pleadings filed by each side (other than the Stipulated Facts and exhibits to those Facts), this page limit for the Response is halfway between the limits in the local rule for response and reply briefs.
- 5. The Motions for Summary Judgment would be deemed fully submitted upon submission of the Responses. The Court would determine whether to schedule oral argument as per the Local Rules.

1	6. The parties respectfully request the Court's approval of the procedure and
2	schedule set forth in this report.
3	DATED this 19th day of September, 2013.
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Case 3:13-cv-05122-BHS Document 15 Filed 09/19/13 Page 4 of 5 1 LESOURD & PATTEN, LLP 2 Richard L. Johnson 3 RICHARD L. JOHNSON SANDRA VELIZ 4 600 Univ. Street, S. 2401 Seattle, WA 98101 5 (206) 624-1040 (206) 223-1099 (f) 6 Attorneys for the Puyallup Indian Tribe 7 8 9 **ORDER** 10 Upon consideration of the Updated Joint Status Report filed by the parties on 11 September 1, 2013, the Court finds the procedure they have proposed to be 12 appropriate and hereby APPROVES the schedule for presentation of the case set forth in 13 paragraphs 3 and 4, above. 14 SO ORDERED this day of 15 16 17 BENJAMIN H. SETTLE 18 United States District Judge 19 20 21 CERTIFICATE OF SERVICE 22 IT IS HEREBY CERTIFIED that on this 19th day of September, 2013, I filed a copy of the foregoing with the Court through the ECF system, which will send copies of 23 the filing to: 24 UPDATED JOINT STATUS REPORT and STIPULATED U.S. DEPARTMENT OF JUSTICE MOTION FOR ENTRY \OF SCHEDULING ORDER - Page 4 Tax Division, Western Region (Case No. 12-CV-05122-bhs) P.O. Box 683 Washington, D.C. 20044

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Case 3:13-cv-05122-BHS Document 16 Filed 09/20/13 Page 5 of 5 Case 3:13-cv-05122-BHS Document 15 Filed 09/19/13 Page 5 of 5 W. CARL HANKLA W.Carl.Hankla@usdoj.gov

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